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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

RONALD WOOLEY,

Plaintiff and Appellant,

v.

PACIFIC COAST ROOFING &  
CONSTRUCTION, INC., et al.,

Defendants and Respondents.

B209801

(Los Angeles County  
Super. Ct. No. EC041768)

APPEAL from a judgment of the Superior Court of Los Angeles County.

Michelle R. Rosenblatt, Judge. Affirmed.

Snyder, Dorenfeld, David K. Dorenfeld, Bradley A. Snyder for Plaintiff and Appellant.

Brown, Brown & Klass, Delos E. Brown, John J. Strumreiter for Defendant and Respondent.

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On December 6, 2004, plaintiff and appellant Ronald Wooley was injured at his place of work, Gianera Pontiac dba Foothill Nissan. He sued, inter alia, respondent Pacific Coast Roofing & Construction. As to respondent, appellant alleged that he slipped and fell on a wet floor, that the floor was wet because the roof leaked, and that the roof leaked because it had been negligently repaired by respondent.

The case proceeded to jury trial against respondent and other defendants. On special verdicts, the jury found, inter alia, that respondent was not negligent.

Appellant's sole contention on appeal is that the trial court erred in sustaining respondent's objection to an exhibit, a November 29, 2005 email from Rick Kalish to S. Decker, attaching pictures of the "existing roof membrane," and stating that "this is where I assume you tried to stop the water leaking and I also assume that the slip and fall must have happened in his office below." In his brief, but without citation to the record, appellant tells us that Kalish was the "general contractor for the owner of the building," and that Decker was "a representative" of Pacific Coast Roofing. Appellant then makes legal arguments about the admissibility of the evidence.

What he does not do is provide us with a statement of facts. Worse, his only argument on prejudice is that "the critical issue at trial" was the location of the work performed by respondent, and that the email was relevant to that issue. Again, the argument is without citation to the record.

Section 13 of Article 6 of the California Constitution provides that "No judgment shall be set aside . . . unless, after an examination of the entire cause, including the evidence, the court shall be of the opinion that the error complained of has resulted in a miscarriage of justice." (Cal. Const., art. VI, § 13; Code Civ. Proc., § 475.) Thus, an appellant has "the duty of spelling out in his brief exactly how the error caused a miscarriage of justice. [Citations.]" (*Paterno v. State of California* (1999) 74

Cal.App.4th 68, 106, *Zhou v. Unisource Worldwide, Inc.* (2007) 157 Cal.App.4th 1471, 1480.) Appellant has failed to do this. We affirm.

Disposition

The judgment is affirmed. Respondent to recover costs on appeal.

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ARMSTRONG, Acting P. J.

We concur:

MOSK, J.

KRIEGLER, J.